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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,862	02/10/2006	Toru Yoshie	040894-7390	5515
9629 7590 04/10/2009 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
BATTULA, PRADEEP CHOUDARY				
ART UNIT		PAPER NUMBER		
3725				
MAIL DATE		DELIVERY MODE		
04/10/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,862

Applicant(s)

YOSHIE, TORU

Examiner

PRADEEP C. BATTULA

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 14, 15, 18 and 19 is/are pending in the application.
4a) Of the above claim(s) 4-9, 11, 14, 15, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/26/09 & 2/10/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Fabrig (U.S. 4,559,981).

In regards to Claim 1, Fabrig discloses a bind processing method in which sheets of loose leaf paper 14 (Column 11, Lines 15 – 23; Figure 2, Item 14) are bound with a binder 7 (Column 11, Lines 31 – 35; Figure 3, Item 7), the sheets of loose leaf paper having a plurality of punch holes formed along one side of the sheets of paper (Figures 2 and 3 show the sheets having holes 16 (Column 11, Lines 19 – 25) along one particular edge and the binding strips 7a – 7f are placed through the holes) and the binder comprising and a plurality of first and second division ring portions arranged at regular intervals (Column 5, Lines 18 – 24; Figure 1b shows two portions divided and existing at regular intervals), the method comprising: symmetrically driving pairs of first 64' and second 64" pushers so as to close the first and second division ring portions of the binder (Column 10, Lines 63 – 68 and Column 11, Lines 1 – 2; Figures 2 & 3, Items 64', 64"); and engaging forward end portions of the first division ring portions with forward end portions of the second division ring portions within the punch holes formed on the sheets of loose leaf paper (Figures 2 and 3 show that the forward ends come

together in some form and the top portions of 64' and 64" pushing the forward ends; Column 11, Lines 20 – 25 teaches of Items 69 touching the sheets but Figure 2 showing the open rings and the items 69 in phantom show that the items 69 touch the forward ends of the rings. Figure with the closed rings shows the items 69 touching the sheet stack 14 and the rings closed. Due to such movement it is inherent that the rings will close inside the pages, especially since in Figure 2 the rings are open in a symmetric manner where the opening is where the sheets are inserted; Column 12, Lines 9 – 21 teaches the forward ends of the rings go through the perforations). Fabrig further discloses the binder comprising a spine portion (Figure 2, the point at which the rings rotate can be considered part of the spine and the plurality of points making up the spine; Applicant has not stated the spine is elongate or continuous) and that the division rings are along both sides of the spine portion and the spine portion being interposed between the first and second division ring portions (Figure 1b & 2 show that there are a plurality of rings and that the full circle rings are divided at the point of pivoting).

In regards to Claim 2, Fabrig further discloses wherein each of the pairs first and second pushers comprises two sets of the pairs of first and second pushers the two sets of pairs of first and second pushers are arranged in a longitudinal direction (Figure 2 shows the stacks coming in the latitudinal direction and the pushers 64' and 64" coming in a longitudinal direction), one set of the pair of first and second pushers pinch back face sides of the first and second division ring portions of the binder so as to rotate the first and second division ring portions in a closing direction (Figures 2 & 3, Item 64' - the first set is considered to be the portions of 64' and 64" which touch the lower portion of

the rings towards the center pivoting), and another set of the pair of first and second pushers pinch forward end sides of the division ring portion of the binder so as to engage the forward end portions of the opposing first and second division ring portions with each other (Figures 2 & 3, Items 64', 64"- the second set is the portion that are above the first set and touch closer to the forward ends; Figure 3 shows the forward end away from the ring, however due to the pivoting the forward end starts near the second set then pivots away as it closes and this can be seen by the way that the rings are open in Figure 2 then end up closed).

In regards to Claim 3, Fabrig further discloses the method further comprising: supporting the sheets of paper to be bound in a sheet table 66, 66A (Column 11, Lines 5 – 14; Figure 2, Item 66), and advancing and retreating the sheet table toward the binder when the pairs of first and second pushers conduct binding, so that generation of abrasion between the division ring portion and inner wall faces of the punch holes can be suppressed when the division ring portions of the binder proceeds into the punch hole on the sheets of paper (Column 10, Lines 63 – 68 → Column 11, Lines 1 – 14 teaches that the holder takes the sheets to the stack 14 for when the pushers arrive and Figures 2 and 3 show the pushers and table operating at the same time. Applicants specification [Page 6, lines 14 - 19] shows that bringing the stack to the pushers suppresses the forces and as stated previously the same is done by Fabrig).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRADEEP C. BATTULA whose telephone number is (571)272-2142. The examiner can normally be reached on Mon. - Thurs. & alternating Fri. 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on 571-272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C. B./
Examiner, Art Unit 3725
April 7, 2009

/Dana Ross/
Supervisory Patent Examiner, Art Unit 3725